

REMARKS

Applicant has received and reviewed the Final Office Action mailed by the Office on November 02, 2006 (hereinafter, "Final Action"), and submits this response to the Final Action with a request for continued examination (RCE).

Claims 1-39 were pending in the present application. Applicant amends independent Claims 1, 15, 21, and 26 to clarify claimed subject matter and/or correct informalities. The original specification and drawings support these claim amendments at least at pages 2, 4, in the Abstract, and in Figure 1. Therefore, these revisions introduce no new matter.

Claims 1-39 are for consideration upon entry of the present Amendment. Applicant requests favorable consideration of this response and allowance of the subject application based on the following remarks.

Claim Rejections 35 U.S.C. §102

Claims 1-39 are rejected under 35 U.S.C. §102(b) as being anticipated by a nonpatent literature to Altova Inc. & Altova GmbH, entitled "XML Spy Suite 4.4, User and Reference Manual Version 4.1" (hereinafter "XML Spy"). Applicant respectfully traverses the rejection. Anticipation under §102 requires that each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference (MPEP §2131).

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent Claim 1**, to clarify further features of the subject matter. Claim 1 now recites a method of combining formats for an electronic file, comprising:

combining **opaque binary data having at least two different encodings**; and

presenting the combined data as homogenized data according to a reference encoding;

wherein the combining comprises a single package without having to perform character set-to-character set encodings.

Applicant respectfully submits that no such method of combining formats for an electronic file is disclosed by XML Spy.

Reference Fails to Disclose Encoding, Reference Encoding, Without Having to Perform Character Set-to-Character Set Encodings

XML Spy is directed towards easy-to-use product family that facilitates all aspects of XML Application Development (pg. 2). The encoding in XML Spy merely shows how a user can change the encoding of a document. (XML Spy pg. 117-131, 208-209, 303-304, and 551-553).

First, the Office implies selecting a different encoding when saving the current data is the same as “data having at least two different encodings”, as recited in Applicant’s Claim 1. For convenience, Applicant reproduces the citation:

XML Spy, pg. 123:

Encoding...

The “Encoding...” command lets you view the current encoding of a file and select a different encoding when saving the current document the next time.



If you select a different encoding than the one in use before, the encoding-specification in the XML-declaration in the prolog will be adjusted accordingly. For 16-bit and 32-bit per character encodings (UTF-16, UCS-2, and UCS-4) you can also specify the byte-order to be used for the file.

You can also enter the new encoding into the encoding-specification of the XML-declaration. When saving a document, XML Spy automatically checks the encoding-specification and opens a dialog box if it cannot recognize the encoding name entered by the user.

If your document contains characters that cannot be represented in the selected encoding, you will get a warning message as soon as you save your file.

However, the sections cited by the Office merely shows allowing a user to change the encoding to “select a different encoding when saving the current document the next time” (pg. 123), which is not “data having at least two different encodings”, as recited in Applicant’s Claim 1.

Second, the Office implies saves the contents of the active document...checked for encoding specification and it is applied to the document when the file is saved (pg. 124) is the same as “homogenized data according to a reference encoding”, as recited in Applicant’s Claim 1. For convenience, Applicant reproduces the citation:

XML Spy, pg. 124:

Save



The “Save” command saves the contents of the active document to the file it has been opened from.

When saving a document in XML Spy, the file is automatically checked for well-formedness. All XML documents must be well-formed -- otherwise they could not be interpreted by any other XML application. The XML-Declaration is also checked for an encoding specification and it is applied to the document when the file is saved.

You can optionally have XML Spy automatically validate a document upon saving (this can be defined in the File tab on the Tools | Options dialog).

If a validation error occurs, XML Spy will bring up a popup message with a detailed error explanation and will highlight the offending item. You can then choose to fix the problem or save the document as is. In the latter case, you will be prompted to correct the error the next time you open the file with XML Spy.

Save As...

The “Save As...” command shows the familiar Windows “Save as...” dialog box to prompt for the name and location of the file that is to be saved. The same checks and validations occur as for the “Save” command.

However, the citations cited by the Office merely shows saving the contents of the active document, which is not “homogenized data according to a reference encoding”, as recited in Applicant’s Claim 1.

This evidence presented by the Office fails to show XML Spy discloses “data having at least two different encodings; and homogenized data according to a reference encoding”, as recited in Applicant’s Claim 1.

Third, XML Spy fails to disclose “the homogenized data comprises a single package without having to perform character set-to-character set encodings”, as recited in Applicant’s Claim 1. Nowhere is there any discussion or mention of a single package without having to perform character set-to-character set encodings in XML Spy.

Applicant asserts XML fails to disclose “data having at least two different encodings; homogenized data according to a reference encoding; and the homogenized data comprises a single package without having to perform character set-to-character set encodings”, as recited in Applicant’s Claim 1. Consequently, Applicant respectfully submits that Claim 1 is not anticipated by XML Spy and requests that the §102 rejection be withdrawn.

Independent Claims 15 and 21 as amended, are both directed to a computer readable medium and each is allowable for reasons similar to those discussed above with respect to Claim 1. Furthermore, XML Spy fails to disclose “wherein the homogenized comprises combining within a single package without having to perform character set-to-character set encodings”, as recited in Applicant’s **Claims 15 and 21**.

Independent Claim 26 as amended, is directed to a method and is allowable for reasons similar to those discussed above with respect to Claim 1. Also, XML Spy fails to disclose “wherein the homogenizing comprises combining within a single package without having to perform character set-to-character set encodings”, as recited in Applicant’s **Claim 26**.

Dependent Claims 2-14, 16-20, 22-25, and 27-39 depend directly or indirectly from one of independent **Claims 1, 15, 21, and 26**, respectively, and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own

recited features that, in combination with those recited in Claims 1, 15, 21, and 26, are not disclosed by XML Spy.

Thus, Applicant respectfully submits that as each and every feature is not disclosed by XML Spy, there is no anticipation. Applicant respectfully requests that the §102 rejection be withdrawn.

Conclusion

Claims 1-39 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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